

## **EXHIBIT “D”**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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CORNELIUS HILL and	:	CIVIL ACTION
TRUDIE HASTINGS HILL, h/w	:	NO. 02-CV-2713
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
NSB NIEDERELBE, et al.	:	Philadelphia, Pennsylvania
	:	April 5, 2004
	:	
Defendants	:	TRIAL TESTIMONY OF
	:	DWIGHT O. JONES

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE MICHAEL M. BAYLSON  
UNITED STATES DISTRICT COURT JUDGE  
And a Jury

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APPEARANCES:

For the Plaintiffs: E. ALFRED SMITH, ESQUIRE  
ALFRED SMITH & ASSOCIATES  
1333 Race Street, 2nd Floor  
Philadelphia, Pennsylvania 19107

For the Defendants: DAVID S. SANTEE, ESQUIRE  
CARL D. BUCHHOLZ, III, ESQUIRE  
RAWLE & HENDERSON  
One South Penn Square  
The Widener Building, 16th Floor  
Philadelphia, Pennsylvania 19107

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Deputy Clerk: L. Kashner

ESR Operator: Michael DelRossi

Transcribed By: Drummond Transcription Service  
Haddon Heights, New Jersey 08035

Proceedings recorded by electronic sound recording,  
transcript produced by computer-aided transcription service.

1 -- to what I was trying to do. I mean, I looked -- it's dark, I  
2 mean, it's up there, so how well it's seated in there, I don't  
3 know. But again, that's -- that's -- it's up there, so that's  
4 not my primary focus. My focus is those numbers. I've got to  
5 make sure that I'm doing -- I'm -- I'm where I'm supposed to be.

6 Q. Were you able to see how it was seated in the containers?

7 A. It -- it appeared to be in from where I could see. Again,  
8 it's dark and that's not my -- that's not my focus. My focus is  
9 am I in the right place? Am I where I'm supposed to be?

10 Q. Did the -- did the lashing rod look different?

11 A. No.

12 Q. Were you able to see it at the top or was it dark or -- or  
13 what?

14 MR. BUCHHOLZ: Objection, your Honor.

15 MR. SMITH: I'll withdraw it.

16 THE COURT: Sustained.

17 BY MR. SMITH:

18 Q. Were you able to see it clearly?

19 MR. BUCHHOLZ: Objection, your Honor.

20 THE COURT: Overruled.

21 See what, the lashing rod?

22 MR. SMITH: Yes, sir.

23 THE COURT: Okay.

24 Q. Where it was into the container?

25 A. Again, I could -- I could see where it was inside that